



Marion County
OREGON

CONDITIONAL USE APPLICATION

Applications submitted by mail will not be accepted

Do not double-side or spiral bind any documents being submitted

Fee: Please check the appropriate box:

Conditional Use - \$1250
Conditional Use Hardship - \$375
Conditional Use Hardship Change of Occupant - \$100
Non-Farm Dwelling \$1880
UT Zone Replacement Dwelling - \$375
Conditional Use Home Occupation - \$640

Wireless Communication Facility - \$3130
Amend Conditions/Permit - \$500
Aggregate Site (non Goal 5) - \$2500+\$65/acre
Agri-Tourism Single Event - \$375
Agri-Tourism Max 6 Events - \$640
Agri-Tourism Max. 18 Events/Longer Duration-\$640

PROPERTY OWNER(S): Ronald W. Bell and Rosemary G. Bell, as Trustees of the Ron and Rosemary Bell Trust, dated February 9	ADDRESS, CITY, STATE, AND ZIP: 8710 Parrish Gap Rd. SE, Turner, Oregon 97392
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Kenneth Safley of Schwabe, Williamson & Wyatt representing Jupiter Pharma, Inc., an Oregon corporation	ADDRESS, CITY, STATE, ZIP 1211 SW 5th Ave., Suite 1900, Portland, Oregon 97204
DAYTIME PHONE (if staff has questions about this application): 503-796-2955	E-MAIL (if any): ksafley@schwabe.com
ADDRESS OF SUBJECT PROPERTY: 8710 Parrish Gap Rd. SE, Turner, Oregon 97392	SIZE OF SUBJECT PROPERTY: Approximately 37.61 acres (two parcels of 32.92 and 4.69 acres, respectively)
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; explain in detail on the "Applicant's Statement"): Jupiter Pharma, Inc., an Oregon corporation, proposes the construction of a processing facility to process industrial hemp as a commercial activity in conjunction with a farm use in the Exclusive Farm Use zone. The processing facility will process, store, and dry industrial hemp grown in Marion County and the State of Oregon.	

FOR OFFICE USE ONLY:			
Township <u>8S</u>	Range <u>2W</u>	Section <u>31</u>	Application elements submitted:
Tax lot number(s) <u>900 / 31CB 00900</u>			Title transfer instrument <input checked="" type="checkbox"/>
Zone: <u>EFU</u>			Site plan <input checked="" type="checkbox"/>
Zone map number: <u>52</u>			Applicant statement <input checked="" type="checkbox"/>
TPA/header: <u>ST</u>			Filing Fee <input checked="" type="checkbox"/> \$ <u>1250</u>
Case Number: <u>19-024</u>			GeoHazard Peer Review (if applicable)
Urban <input type="checkbox"/> Rural <input checked="" type="checkbox"/>			Physician's Certificate (if applicable)
Signs given:			Home Occupation Supplemental (if applicable)
			Agri-Tourism Supplemental (if applicable)
Date determined complete:			Application accepted by: <u>ST</u>
			Date: <u>07/15/19</u>

IF THIS IS FOR A CONDITIONAL USE HARDSHIP:

WILL THE TEMPORARY DWELLING BE () MANUFACTURED HOME OR () RV? Check one.

IF USING AN RV, DO YOU INTEND TO:

() CONNECT TO THE EXISTING SEPTIC SYSTEM OR () USE THE RV HOLDING TANK? Check one.

NAME OF PERSON(S) WITH MEDICAL HARDSHIP:

HE/SHE/THEY WILL RESIDE IN: () PRIMARY DWELLING OR () TEMPORARY DWELLING

NAME OF CAREGIVER:

HE/SHE WILL RESIDE IN: () PRIMARY DWELLING OR () TEMPORARY DWELLING

RELATIONSHIP OF CAREGIVER TO PERSON(S) WITH MEDICAL HARDSHIP:

WHAT TYPE OF ASSISTANCE WILL CAREGIVER PROVIDE:

IF THERE ARE OTHER ADULTS THAT RESIDE OR WILL RESIDE IN THE DWELLING WITH THE PERSON(S) NEEDING CARE, PLEASE EXPLAIN WHY HE/SHE CANNOT BE THE CAREGIVER:

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

Ronald W. Bell, Trustee *Deceased*
Print Name Signature Print Name Signature

Rosemary G. Bell, Trustee *Rosemary Bell* *Rosemary Bell* *7/5/19*
Print Name Signature Print Name Signature

DATED this 7 day of July, 2019

APPLICANT'S STATEMENT

1. Relevant Facts.

Jupiter Pharma, Inc., an Oregon corporation ("Applicant"), proposes the construction of an agricultural processing facility to process industrial hemp as a commercial activity in conjunction with a farm use (the "Processing Facility") in the Exclusive Farm Use ("EFU") zone. The Processing Facility, which will be located at 8710 Parrish Gap Rd. SE, Turner, Oregon (the "Property"), will process and store industrial hemp grown in Marion County, State of Oregon (the "Crop Site"). The Property comprises 37 acres and the Crop Site comprises 476 acres.

The Processing Facility will be located in a 12,000 square foot building. The Applicant will also construct the following farm use buildings: (1) 6,000 square foot administrative building, (1) 50,000 square foot storage building, (1) 4,800 square foot motorpool building, and (1) 15,000 square foot building for drying hemp. The Processing Facility will also offer third-party drying services to farmers in the State of Oregon who grow hemp but cannot afford the cost of drying equipment. For this service, the Applicant will dry the farmers' hemp and return it to them without processing it.

2. Relevant Approval Criteria.

The relevant approval criteria are found in Marion County Code ("MCC") 17.136.050(D)(2), "Conditional Uses"; 17.136.060(A), "Conditional Use Review Criteria"; MCC 17.136.060(D), "Commercial Activities in Conjunction with Farm Use"; MCC 17.136.060(I); and MCC 17.136.100, "Development Requirements."

3. Process.

The Application is processed by the Marion County Planning Division.

The remainder of this Application addresses the applicable approval criteria.

4. Processing the Action

A. Application Requirements: The Application submission satisfies the County's requirements by including a complete Application in writing on the form prescribed by the Planning Director, a copy of the officially recorded title transfer deed, a site plan (**Exhibit 1**) on separate 8 ½ x 11 paper, a written statement explaining the request and how it confirms to applicable criteria in the EFU zone, and a filing fee in the amount of \$1,250.00.

5. EFU Zone Approval Criteria

A. Uses Permitted as a Conditional Use

MCC 17.136.050(D)(2) provides as follows:

“The following uses may be permitted in an EFU zone subject to obtaining a conditional use permit and satisfying the criteria in MCC 17.136.060(A), and any additional criteria, requirements, and standards specified for the use:

...

D. The following commercial uses:

...

2. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under MCC 17.136.040(F), and subject to MCC 17.136.060(D), but including a winery not permitted under MCC 17.136.040(B), but not including a medical marijuana processor as defined in MCC 17.110.376, subject to MCC 17.136.060(D).”

FINDING: “Industrial hemp” was approved to be grown as a farm crop by H.R. 525 during the 113th U.S. Congress in 2013. Marion County considers the processing of farm crops a “commercial activity.” Therefore, the use meets the requirements of MCC 17.136.050(D)(2)

B. Conditional Use Review Criteria

MCC 17.136.060(A) provides as follows:

“A. The following criteria apply to all conditional uses in the EFU zone:

1. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.

FINDING: The surrounding properties in all directions are zoned EFU and in farm use. Because the use will be in conjunction with a farm use, the use will not have a negative impact on nearby lands devoted to farm use. The site will be maintained to ensure the highest quality of hemp products. An air filter will block anything larger than a 10 micron particle from entering the air, and the Processing Facility will not emit pollen. The processed material will be filtered, collected, and bagged in a clean and workmanlike manner. No open storage of hemp is proposed outside of the Processing Facility.

No outside activities that would produce heat or glare are proposed on the site. Additionally, lighting on the main processing facility building will be directed away from adjacent properties. Any security lighting will be that which is typically used for rural farm operations.

2. Adequate fire protection and other rural services are, or will be, available when the use is established.

FINDING: The Turner Fire District serves the parcel and all other needed services are currently available to the site.

3. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.

FINDING: The Property is not within a wildlife habitat area, groundwater limited area, floodplain or geologically hazardous area. There are no potential water impoundments, identified wetlands, or significant mineral and aggregate sites identified by the Comprehensive Plan in the area. The water needs at the Processing Facility will be far less than nurseries or dairy uses existing on surrounding properties. Water use will be limited to employee use of restrooms and cleaning of machinery and equipment. Lastly, the Processing Facility will not store any "Hazardous Materials." No storage or application of farm chemicals, other than those used in conjunction with the farming of crops, is proposed. The Processing Facility will not sell farm chemicals. All operations and storage of materials will be within the structures or in the direct vicinity.

4. Any noise associated with the use will not have a significant adverse impact on nearby land uses.

FINDING: The Processing Facility is not expected to generate vibration perceptible beyond the property lines, other than minimal vibrations caused by delivery trucks. Additional minimal vibration may be caused from the temporary construction work for the Processing Facility and storage structures, but not above what is generally perceived for such buildings.

5. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites."

FINDING: Activities associated with the Processing Facility will not have a significant impact on potential water impoundments, nor will the activities conflict with any operations occurring on significant mineral and aggregate sites identified in the Comprehensive Plan.

C. Commercial Activities in Conjunction with Farm Use

MCC 17.136.060(D) provides as follows:

- "1. The commercial activity must be primarily a customer or supplier of farm uses.

FINDING: The use will be used exclusively for extraction of hemp biomass from Oregon Department of Agriculture registered growers.

2. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.

FINDING: The use allows local industrial hemp growers the ability to process their crop into a form that be more easily stored and processed, which is an essential service to hemp farmers in the nearby cities of Gervais, Woodburn, and St. Paul.

3. The agricultural and commercial activities must occur together in the local community.

FINDING: The commercial activity will occur at the Property. The hemp will be grown in Marion County, Oregon. The proximity of these uses will result in lower transportation costs for many nearby farmers.

4. The products and services provided must be essential to the practice of agriculture.”

FINDING: It is essential that industrial hemp biomass is extracted before it can be processed into commercial products. This extraction process is necessary for long-term storage and preservation of quality.

6. Development Requirements

A. Maximum Height

MCC 17.136.100(A) provides as follows:

“A. Maximum Height.

1. Dwellings: 35 feet.
2. Farm-related structures on farm parcels: none.
3. Nonresidential and non-farm structures: 35 feet unless they are in conjunction with conditional uses allowed in MCC 17.136.050, and a greater height is requested and approved as part of the conditional use permit.”

FINDING: No dwellings are proposed on the site. There is no height restriction for farm-related structures; therefore, the Planning Director can find that this standard is satisfied.

B. Minimum Setbacks

MCC 17.136.100(B) provides as follows:

“B. Minimum Setbacks. Except as required in MCC 17.136.070(A), the following setback requirements shall be implemented for all new structures other than farm-exempt buildings, signs and fences:

1. Rear Yard. A minimum of 20 feet.

2. Side Yard. A minimum of 20 feet, except for lots or parcels of one-half acre or smaller created prior to January 1, 1994, in which case the side yard setback shall be five feet.

3. Front Yard. A minimum of 20 feet. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (see Chapter 17.112 MCC)."

FINDING: The Site Plan attached as **Exhibit 1** contains the information required by MCC 17.136.100(B). The nearest setback is 200 feet from the Property boundary lines.

C. Declaratory Statement

MCC 17.136.100(C) provides as follows:

"C. Declaratory Statement. For all dwellings, and other uses deemed appropriate, the property owner shall be required to sign and allow the entering of the following declaratory statement into the chain of title of the lot(s) or parcel(s):

The property herein described is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. The grantors, including their heirs, assigns and lessees do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling, structure or use in this area, and acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, grantors will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937."

FINDING: If required, the Applicant will allow the above-quoted statement in the chain of title.

7. Conclusion.

For the reasons contained in the Application, the Planning Director can find that the relevant standards for this Application are satisfied. The Applicant respectfully requests that the Planning Director approve the proposed industrial hemp facility, as submitted.